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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,135	10/19/2006	Jeff Bullington	PA3118US	5883
22830	7590	02/11/2009	EXAMINER	
CARR & FERRELL LLP			HELLNER, MARK	
2200 GENG ROAD			ART UNIT	
PALO ALTO, CA 94303			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/568,135

Applicant(s)

BULLINGTON ET AL.

Examiner

Mark Hellner

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-15, 17-19, 22 and 23 is/are rejected.
- 7) ☒ Claim(s) 2, 16, 20 and 21 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 6, 7, 9-13, 15, 17, 18 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Perry et al (6,937,629).

Re claim 1:

Perry et al disclose a method/apparatus for amplifying a polarized (column 16, lines 1-30) input beam comprising: means (14) for aligning at least four slabs spaced from adjacent slabs, each of the slabs having a thickness dimension of not more than 1 centimeter (column 6, line 18), wherein slab surfaces of the at least four slabs are placed within about 1 degree of the Brewster angle with respect to the polarized input beam (column 7, line 51), and no two of the slab surfaces are within 0.1 degrees of parallel with respect to each other (column 5, lines 65 to 67 teach non-rectangular shapes and column 9, line 7 teaches that the surfaces do not need be perfectly parallel); means (18) for optically pumping the at least four slabs; and mean (column 16, lines 1-30) for passing the polarized input beam through the slab surfaces, wherein the polarized input beam is optically amplified in the at least four slabs.

Claim 4 is taught by element 16.

Claim 6 is taught by element 18.

Claim 7 is taught by figure 4.

Claim 9 is taught by column 6, line 20.

Claims 10-13, 15, 17, 18 and 23 are taught by Perry et al as applied to claims 1, 4, 6, 7 and 9.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 5, 8, 14, 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry et al.

Perry et al teaches that the slabs be made from known solid state amplifying materials, thus suggesting claim 3.

Dielectric coating of the slab surfaces (claim 5) would have been obvious when seeking to reduce back reflections.

The range of wavelengths recited by claim 8 would have been obvious to a skilled artisan designing the amplifier to meet the wavelength demand of the input signal to be amplified.

Claims 14, 19 and 22 are rejected for the reasons applied to claims 3, 5 and 8.

Allowable Subject Matter

Claims 2, 16, 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited show the level of skill in the art.

Any inquiry concerning this communication should be directed to Mark Hellner at telephone number 571 272 6981.

/Mark Hellner/

Primary Examiner, Art Unit 3663